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VINCENT KHOURY TYLOR
and VINCENT SCOTT TYLOR

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR, Plaintiffs, vs. PPF HAWAII LLC, a Hawaii Limited Liability Company, dba PPF HAWAII and/or HAWAII TOURS and/or HAWAIITOURS.COM and/or ALOHA TOP TEN and/or ALOHATOPTEN.COM and/or WORLD TRAVEL AND TOURS; MILTON RAMSEY, L.L.C., an Arizona Limited Liability Company, dba WORLD TRAVEL AND TOURS; JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE	CIVIL NO. CV14-00297 (Copyright Infringement) COMPLAINT FOR COPYRIGHT INFRINGEMENT AND DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS; EXHIBITS “A”-“I”

PARTNERSHIPS 1-10; and DOE)
ASSOCIATIONS 1-10,)
)
Defendants.)
)

COMPLAINT FOR COPYRIGHT INFRINGEMENT AND DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS

COMES NOW Plaintiffs VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR, by their attorneys, J. Stephen Street, Attorney at Law, and Dane Anderson, Attorney at Law, LLLC, and for their complaint allege as follows:

PARTIES

1. Plaintiff VINCENT KHOURY TYLOR is a resident of the State of Hawaii.

2. Plaintiff VINCENT SCOTT TYLOR is a resident of the State of Hawaii.

3. Upon information and belief, Defendant PPF HAWAII LLC is a limited liability company registered in the State of Hawaii, with its principal place of business in Honolulu, Hawaii, and is doing business as PPF HAWAII and/or is doing business under its registered trade names in the State of Hawaii: HAWAIITOURS.COM; ALOHATOPTEN.COM; and, WORLD TRAVEL AND TOURS.

4. Upon information and belief, Defendant MILTON RAMSEY, L.L.C. is a limited liability company registered in the State of Hawaii, doing business in the State of Hawaii, and also doing business as WORLD TRAVEL AND TOURS, with its principal place of business in Mesa, Arizona, and is the sole manager of Defendant PPF HAWAII LLC.

5. JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10 are named herein under fictitious names for the reason that, after investigation of the facts of this action, said Defendants' true names and identities are presently unknown to Plaintiffs VINCENT KHOURY TYLOR and VINCENT SCOTT TYLOR (collectively referred to as "Plaintiffs"), except, upon information and belief, that they are connected in some manner with the named Defendants and/or were the agents, servants, employees, employers, representatives, co-venturers, associates, successors or assignees of the named Defendants who may be under a duty, contractually or otherwise, to pay Plaintiffs compensation for loss incurred by the actions or omissions of the named Defendants and/or were in some manner related to the named Defendants and that their "true names, identities, capacity, activities and/or responsibilities" are presently unknown to Plaintiffs or their attorneys. To ascertain the full names and identities of JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10,

DOE PARTNERSHIPS 1-10, and DOE ASSOCIATIONS 1-10, Plaintiffs' counsel have investigated the facts alleged herein through inter alia, interview of Plaintiffs and inspection of the records in this matter. When the true names and capacities are ascertained, through appropriate discovery, Plaintiffs shall move to amend this action to state the true names.

JURISDICTION AND VENUE

6. This is an action for preliminary and permanent injunctive relief and damages arising from Defendant PPF HAWAII LLC's and Defendant MILTON RAMSEY, L.L.C.'s (collectively referred to as "Defendants") copyright infringements in violation of the United States Copyright Act, 17 U.S.C. §§ 101 et. seq. and violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1202.

7. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 and § 1338(a).

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400.

FACTUAL ALLEGATIONS

9. Defendants are doing business in the State of Hawaii under the business or trade names PPF HAWAII and/or HAWAII TOURS and/or HAWAIITOURS.COM and/or ALOHA TOP TEN and/or ALOHATOPTEN.COM and/or WORLD TRAVEL AND TOURS.

10. Defendants manage and control a commercial website at http://www.ppfhawaii.com, under the business name PPF HAWAII, where customers can view information on Defendants' travel services, tours and activities offered and Defendants' contact information to purchase Defendants' products or services offered.

11. Defendants manage and control a commercial website at http://www.hawaiitours.com, under the business name HAWAII TOURS, where customers can view information on Defendants' travel services, tours and activities offered, purchase online reservations of those services, tours and activities, and/or click on a "You Tube" hyperlink icon to be directly routed to Defendants' HAWAII TOURS social media commercial web page on Youtube.com, at https://www.youtube.com/user/hawaiitourscom.

12. Defendants manage and control a commercial website at http://www.alohatopten.com, under the business name ALOHA TOP TEN, where customers can view information on Defendants' travel services, tours and activities offered, and purchase online reservations of those services, tours and activities.

13. Defendants manage and control a commercial website at http://worldtravelandtours.com/, under the business name WORLD TRAVEL AND TOURS, to provide and maintain reservation booking systems and to process online payments for products and services purchased through Defendants'

commercial websites, at http://www.hawaiitours.com and http://www.alohatopten.com, described in paragraphs 11 and 12. Defendants' commercial websites are linked to Defendants' worldtravelandtours.com domain. When customers book Defendants' products or services available on Defendants' commercial websites, customers are automatically re-routed to Defendants' worldtravelandtours.com domain to enter customer information, payment information, and complete online bookings of selected products or services.

14. Defendants manage and control a commercial web page on Youtube.com, at https://www.youtube.com/user/hawaiitourscom, containing hundreds of videos uploaded by Defendants to advertise and promote their HAWAII TOURS business and to encourage viewers of their uploaded videos on their Youtube.com commercial web page to navigate to their commercial website, described in paragraph 11, or click on a provided hyperlink to be directly routed to that commercial website, to complete online purchases of Defendants' travel services, tours and activities.

15. To date, Defendants' commercial web page on Youtube.com, described in paragraph 14, has received over 75,000 views.

16. Each photographic work ("Image") at issue in this case is an original work entitled to copyright protection pursuant to the copyright laws of the

United States, and each photographic work at issue is duly registered with the United States Copyright Office.

17. Twenty-nine (29) photographic works, image nos.: “A-02-B Big Wave”; “A-12-B LaniKai-girl WEB”; “A-19 Snorkel Hawaii”; “A-20 Surfer at Twilight”; “A-28 Emerald waters”; “A-39 Magestic Falls”; “B-01-B Rainbow Falls”; “B-12 Kona Coast”; “Big Island Coastline - B-22”; “K-06-B Wailua Falls Rainbow”; “K-06-C Wailua Falls-Heavy Rain”; “K-07-N Kalalau Valley wide”; “K-11-B Spouting Horn”; “K-20-B Waimea Canyon wide”; “K-23 NaPali Sunset old”; “K-27 NaPali Coast”; “M-01 End of Hana”; “M-06 Haleakala Sunrise”; “M-10 Haleakala Crater Wide”; “M-11 7 Pools Waterfalls”; “M-14-C Haleakala closeup”; “M-18 Turquoise lagoon”; “M22-A Honolua Bay”; “O-01 Waikiki-Pink boat ORIGINAL VERSION”; “O-05 Chinamans Hat”; “O-06 Hanauma Bay Wide”; “O-11 Waimea Bay”; “O-12-B Pali Lookout”; and, “O-23 Waikiki Dusk” at issue in this case were created by photographer Plaintiff VINCENT KHOURY TYLOR, who owns the copyrights to those photographic works.

18. The copyrights for Plaintiff VINCENT KHOURY TYLOR’s twenty-nine (29) photographic works at issue were registered with the United States Copyright Office as 1) VA 1-696-555, effective December 17, 2009, and supplemented by form VA 1-432-741, effective June 20, 2011; 2) VA 1-696-552, effective December 17, 2009, and supplemented by form VA-1-432-820, effective

June 20, 2011; 3) VA 1-759-562, effective January 29, 2011; and, 4) VA-1-821-752, effective June 4, 2012, in the name of Plaintiff VINCENT KHOURY TYLOR, who has exclusive rights and privileges in those photographic works under the United States Copyright Act. True and correct copies of the Certificates of Registration that relates to those photographic works at issue are attached hereto as Exhibit "A".

19. One (1) photographic work, image no. "Awapuhi Trail," at issue in this case was created by photographer Plaintiff VINCENT SCOTT TYLOR, who is the owner of the copyright for that photographic work.

20. The registration of the copyright for Plaintiff VINCENT SCOTT TYLOR's "Awapuhi Trail" has been filed with the United States Copyright Office and registered on November 7, 2013; however Plaintiff VINCENT SCOTT TYLOR is awaiting a certificate of registration for that photographic work. A true and correct copy of the filed application for registration of that photographic work at issue is shown in Exhibit "B".

21. None of the said photographic works was a "work for hire."

22. Plaintiffs incurred substantial time and expense in creating the photographic works at issue, and Plaintiffs license the photographic works at issue for commercial and other uses.

23. Plaintiff VINCENT KHOURY TYLOR has discovered that Defendants are using three (3) of his photographic works at issue at least seventeen (17) separate times in high resolution on their commercial websites, as follows:

Image **“K-06-B Wailua Falls Rainbow”** is being used at least six (6) times at:

Page URLs:
http://www.ppfhawaii.com/tourInfo.php?ProviderID=ORBH&TourID=12
(1/4 page & 1/2 page uses)
http://hawaiitours.com/waimea-canyon-and-fern-grotto-combo-tour.orbh-12.tour
(1/2 page use)
http://alohatopten.com/activities/activity_details.php?eventID=ORBH-12
(Thumb & Full page uses)
http://alohatopten.com/includes/gallery.php?eventID=ORBH-12
(1/4 page use)
Image URL:
http://worldtravelandtours.com/images/ORBH/12/1248984011.jpg
(450 x 338 pixels)

Image “**M-18 Turquoise lagoon**” is being used at least four (4) times at:

Page URLs:
http://hawaiitours.com/hana-adventure.mpat-02.tour (1/2 page use)
http://alohatopten.com/activities/activity_details.php?eventID=ORBH-07
(Thumb & Full page uses)
http://alohatopten.com/includes/gallery.php?eventID=ORBH-07
(1/4 page use)
Image URL:
http://worldtravelandtours.com/images/MPAT/02/1248912122.jpg
(450 x 338 pixels)

Image **“O-06 Hanauma Bay Wide”** is being used at least seven (7) times at:

Page URLs:
http://hawaiitours.com/hanauma-bay-snorkel-adventure.hop-01.tour (1/2 page use)
http://hawaiitours.com/snorkeling-tours.php (1/4 page use)
http://hawaiitours.com/value.php (1/4 page use)
http://hawaiitours.com/water-tours.php (1/4 page use)

http://alohatopten.com/activities/oahu-snorkeling.php (Thumb use)
http://alohatopten.com/search/search_results.php?island_id=4 (Thumb use)
http://alohatopten.com/search/search_results.php?island_id=4&event_type=Watersports (Thumb use)
Image URL:
http://worldtravelandtours.com/images/HOP/01.jpg (451 x 338 pixels)

These photographic works are being used by Defendants without obtaining licenses or consent from Plaintiff VINCENT KHOURY TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 100 et. seq. A true and correct copy of each of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with copies of screenshots of Defendants' infringing uses are attached hereto as Exhibit "C".

24. Plaintiff VINCENT KHOURY TYLOR also discovered that Defendants are using four (4) of his photographic works at issue and Plaintiff VINCENT SCOTT TYLOR discovered that Defendants are using his one (1) photographic work at issue, a total of at least two-thousand seven-hundred seventy-three (2,773) separate times in high resolution in one (1) video that was uploaded three-hundred and forty-seven (347) separate times by Defendants' on their Youtube.com commercial web page, described in paragraph 14, as follows:

Image **"O-01 Waikiki-Pink boat ORIGINAL VERSION"** is being used 346 times at https://www.youtube.com/user/hawaiitourscom/videos, in a 3-Photo

"Cover" Collage on thumbnails of 346 uploads of the video, and in a 3-Photo Collage at the 30-second point of each of the 347 uploads of the video, totaling 693 uses.

Image **"A-20 Surfer at Twilight"** is being used 346 times at https://www.youtube.com/user/hawaiitourscom/videos, in a 3-Photo "Cover" Collage on thumbnails of 346 uploads of the video, and in a 3-Photo Collage at the 30-second point of each of the 347 uploads of the video, totaling 693 uses.

Image **"A-12-B LaniKai-girl Web"** is being used 346 times at https://www.youtube.com/user/hawaiitourscom/videos, in a 3-Photo "Cover" Collage on thumbnails of 346 uploads of the video, and in a 3-Photo Collage at the 30-second point within each of the 347 uploads of the video, totaling 693 uses.

Image **"Awapuhi Trail"** is being used as a full-screen photo at the 13-second point within each of the 347 uploads of the video, totaling 347 uses.

Image **"B-01-B Rainbow Falls"** is being used as a half-screen photo at the 49-second point, within each of the 347 uploads of the video, totaling 347 uses.

These photographic works are being used by Defendants without obtaining licenses or consent from Plaintiffs, thus violating their exclusive rights as the copyright owners to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 100 et. seq. A true and correct copy of each of those photographic works registered by Plaintiffs along with copies of screenshots of Defendants' infringing uses in the video are attached hereto as Exhibit "D". Screenshots of Defendants' three-hundred and forty-seven (347) uploads of the video on their Youtube.com commercial web page with the "Cover" collage displayed on all, except one, of the thumbnails for their uploads is attached hereto as Exhibit "E". A list of the URLs for each of Defendants' three-hundred and forty-seven (347) uploads of the video on their Youtube.com commercial web page is attached hereto as Exhibit "F".

25. Each of the three-hundred and forty-seven (347) separate uploads by Defendants of their video, described in paragraph 24, has a different URL address as well as a unique title or keywords assigned by Defendants to each upload. The unique title or keywords assigned by Defendants to each upload of this video results in search engine optimization, making this video more visible on Youtube.com or within internet search results generated by internet search engine websites, such as Google.com; for example, an internet search for "Hawaii Travel Deals" or "Honolulu Car Rental" or "Airline Flight to Hawaii" or "Hawaii Attractions" matches a title of one of the uploads of this video by Defendants, shown in Exhibit "E", causing the uploaded video with a title containing the keywords of an internet search to be displayed within the generated search results

for those keywords, effectively advertising Defendants' HAWAII TOURS business.

26. Plaintiff VINCENT KHOURY TYLOR has discovered that Defendants are using twenty-four (24) of his photographic works at issue, a total of at least forty-four (44) separate times in high resolution in twenty (20) other videos uploaded by Defendants to their Youtube.com commercial web page, described in paragraph 14, to advertise their HAWAII TOURS business. These photographic works were used in twenty (20) of Defendants' videos at the following URLs for each video, as follows:

Image **"M-01 End of Hana"** is being used at least five (5) times at:

https://www.youtube.com/watch?v=wyF1x577Oa4
https://www.youtube.com/watch?v=F4BHrnhE4sc
https://www.youtube.com/watch?v=U4wqQRHS9M4
https://www.youtube.com/watch?v=d-Xk6l4NZ_o
https://www.youtube.com/watch?v=e7ERwtc-Fbo

Image **"M-10 Haleakala Crater Wide"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=wyF1x577Oa4

Image **"M-18 Turquoise lagoon"** is being used at least three (3) times at:

https://www.youtube.com/watch?v=wyF1x577Oa4
https://www.youtube.com/watch?v=cB2RyZBuA8I
https://www.youtube.com/watch?v=CEEGlqxH-ZI

Image **"M-11 7 Pools Waterfalls"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=wyF1x577Oa4
https://www.youtube.com/watch?v=F4BHrnhE4sc

Image **"Big Island Coastline - B-22"** is being used at least three (3) times at:

https://www.youtube.com/watch?v=9KesGaUoi28
https://www.youtube.com/watch?v=mT1k-djE9U4
https://www.youtube.com/watch?v=d8Gi1_VrAY4

Image **"A-19 Snorkel Hawaii"** is being used at least four (4) times at:

https://www.youtube.com/watch?v=9KesGaUoi28
https://www.youtube.com/watch?v=1-Te9Z25JOM
https://www.youtube.com/watch?v=3jlqDudlJq4
https://www.youtube.com/watch?v=CEEGlqxH-ZI

Image **"B-12 Kona Coast"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=mT1k-djE9U4
https://www.youtube.com/watch?v=n4lUuxfFFJU

Image **"A-28 Emerald waters"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=NWLHENbjDlw
https://www.youtube.com/watch?v=U4wqQRHS9M4

Image **"O-05 Chinamans Hat"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=NWLHENbjDlw
https://www.youtube.com/watch?v=3jlqDudlJq4

Image **"O-06 Hanauma Bay Wide"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=NWLHENbjDlw

Image **"O-11 Waimea Bay"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=NWLHENbjDlw

Image **"M-14-C Haleakala closeup"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=AqXB5WkwgEQ

Image **"M-06 Haleakala Sunrise"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=AqXB5WkwgEQ
https://www.youtube.com/watch?v=t_-BXEI2kMc

Image **"M22-A Honolua Bay"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=U4wqQRHS9M4
https://www.youtube.com/watch?v=d-Xk6l4NZ_o

Image **"K-07-N Kalalau Valley wide"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=t_-BXEI2kMc

Image **"K-20-B Waimea Canyon wide"** is being used at least two (2) times at:

https://www.youtube.com/watch?v=rNRWaRzSQ4k
https://www.youtube.com/watch?v=XHmPqzpl2Ho

Image **"A-39 Magestic Falls"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=rNRWaRzSQ4k

Image **"K-27 NaPali Coast"** is being used at least three (3) times at:

https://www.youtube.com/watch?v=rNRWaRzSQ4k
https://www.youtube.com/watch?v=1-Te9Z25JOM
https://www.youtube.com/watch?v=CPgwAc6NrX0

Image **"O-12-B Pali Lookout"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=GF-1lzGdGrQ

Image **"K-06-C Wailua Falls-Heavy Rain"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=1-Te9Z25JOM

Image **"A-02-B Big Wave"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=1-Te9Z25JOM

Image **"K-23 NaPali Sunset old"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=1-Te9Z25JOM

Image **"K-11-B Spouting Horn"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=XHmPqzpl2Ho

Image **"O-23 Waikiki Dusk"** is being used at least one (1) time at:

https://www.youtube.com/watch?v=CEEGlqxH-ZI

These photographic works are still being used by Defendants without obtaining licenses or consent from Plaintiff VINCENT KHOURY TYLOR, thus violating his exclusive rights as the copyright owner to reproduce, adapt, display, distribute, and/or create derivative works under 17 U.S.C. §§ 100 et. seq. A true and correct copy of each of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with copies of screenshots of Defendants' infringing uses in the twenty (20) different videos are attached hereto as Exhibit "G". A list of the URLs for each of Defendants' twenty (20) other videos uploaded on their Youtube.com commercial web page is attached hereto as Exhibit "H".

27. Plaintiff VINCENT KHOURY TYLOR's copyrighted photographic works at issue, where they are legitimately available, bear his

copyright management information in the form of a "Vincent K. Tylor" signature at the bottom corner of each photographic work.

28. Upon information and belief, Defendants intentionally removed or altered Plaintiff VINCENT KHOURY TYLOR's copyright management information from his twenty-nine (29) photographic works at issue for Defendants' uses of those photographic works without his authority or the authority of the law, or Defendants distributed those photographic works knowing that his copyright management information had been removed or altered without his authority or the law. Defendants displayed copies of those photographic works without copyright management information, knowing that Defendants did not own the photographic works, and knowing that a simple internet image search would locate those photographic works with Plaintiffs' copyright management information clearly associated with those photographic works. True and correct copies of Plaintiff VINCENT KHOURY TYLOR's photographic works containing his copyright management information along with copies of screenshots of Defendants' infringing uses with the copyright management information cropped are shown in Exhibits "C", "D", "E" and "G."

29. Defendants' use of two (2) of Plaintiff VINCENT KHOURY TYLOR's photographic works, **"O-11 Waimea Bay"** and **"Big Island Coastline - B-22"**, still contained part of his copyright management information described in

paragraph 27 (as shown in Exhibit "G", attached hereto), demonstrating a disregard for Plaintiff VINCENT KHOURY TYLOR's notice of copyright and that Defendants acted willfully with respect to their copyright infringements and intentionally with respect to their removal or alteration of Plaintiff VINCENT KHOURY TYLOR's copyright management information, knowing that their uses of Plaintiff VINCENT KHOURY TYLOR's twenty-nine (29) photographic works at issue would constitute copyright infringement and in an attempt to conceal their copyright infringements.

30. Defendants provided, distributed, or associated their own false copyright management information on their uses of twenty-four (24) of Plaintiff VINCENT KHOURY TYLOR's photographic work at issue (the uses described in paragraph 26), without his authority or the authority of the law, knowing that Defendants did not own the photographic works. True and correct copies of those photographic works registered by Plaintiff VINCENT KHOURY TYLOR along with a copies of screenshots of Defendants' infringing uses with Defendants' own false copyright management information on their infringing uses are shown in Exhibit "G."

31. Upon information and belief, Defendant MILTON RAMSEY, L.L.C. is vicariously liable for Defendants' copyright infringements, removal or alteration of copyright management information associated with the photographic

works at issue, and/or provision, distribution, or association of false copyright management information with the photographic works at issue because Defendant MILTON RAMSEY, L.L.C., as the sole manager of Defendant PPF HAWAII LLC, enjoys a direct financial benefit from, and has the right and ability to supervise or control, the infringing activity and/or removal or alteration of copyright management information associated with the photographic works and/or provision, distribution, or association of false copyright management information with the photographic works at issue for Defendants' uses as described.

32. Defendants' Youtube.com commercial uses of Plaintiffs' photographic works in three-hundred and forty-seven (347) separate uploads of one (1) video by Defendants and in twenty (20) other videos uploaded by Defendants as commercial advertising for Defendants' business have contributed to widespread distribution of Plaintiffs' photographic works absent Plaintiffs' copyright management information and with Defendants' false copyright management information. Users who view one of Defendants' hundreds of uploads of their videos at issue on Defendants' Youtube.com commercial web page can easily distribute Defendants' videos containing the infringing uses of the photographic works at issue, without Plaintiffs' copyright information or with Defendants' false copyright management information, by sharing the videos among the millions of users of other social media websites, like Facebook.com;

promoting Defendants' videos and business among other users by clicking the "Like" or "Subscribe" button; emailing copies or hyperlinks to the videos; or, embedding copies of the videos in other websites or web blogs, all of which are actions that effectively promote Defendants' Youtube.com commercial web page or their business as the origin and owner of those photographic works.

33. The significant damage to Plaintiffs' copyrights and the high likelihood of increased infringing activity from Defendants' uses of Plaintiffs' photographic works at issue, absent Plaintiffs' copyright management information and with false copyright management, is shown by the facts that Defendants' Youtube.com commercial web page has received over 75,000 views and a single upload of one (1) of Defendants' videos alone, titled "Airline Flight to Hawaii", has received "9,433 views" since it was uploaded three (3) years ago, shown in Exhibit "I" attached hereto.

34. By letter of May 28, 2014, Plaintiffs gave notice to Defendants of the copyright infringements and Digital Millennium Copyright Act violations, described in the previous paragraphs, for the photographic works at issue and attempted to resolve the claims by requesting that Defendants pay a retroactive licensing fee for their uses and that they cease and desist from using any of Plaintiffs' copyrighted photographic works.

35. Despite notice of Plaintiffs' copyrights and demand that Defendants cease and desist, described in paragraph 34, Defendants continue to willfully infringe Plaintiffs' copyrights and intentionally violate the Digital Millennium Copyright Act by continuing their infringing activity, as described in the previous paragraphs.

36. Plaintiffs and Defendants were unable to resolve this matter; thus necessitating legal action.

FIRST CAUSE OF ACTION:
COPYRIGHT INFRINGEMENT

37. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-36 as if fully stated herein.

38. Plaintiffs have all rights, title, and interest in the copyrights to their respective photographic works at issue as holders of the copyrights, the use of which has not been licensed to Defendants.

39. Defendants continue to misappropriate Plaintiffs' copyrighted photographic works with knowledge that the photographic works at issue did not belong to Defendants; Defendants thereby willfully engaged in unauthorized use, copying, distribution, and/or display of Plaintiffs' copyrighted photographic works by using twenty-nine (29) of Plaintiff VINCENT KHOURY TYLOR's photographic works a total of at least two-thousand four-hundred eighty-seven (2,487) separate times and by using one (1) of Plaintiff VINCENT SCOTT

TYLOR's photographic works at least three-hundred forty-seven (347) separate times, totaling 2,834 infringements of thirty (30) of Plaintiffs' photographic works. Defendants' acts constitute willful copyright infringement under the United States Copyright Act, 17 U.S.C. §§ 101 et. seq.

40. Defendants have shown that they intend to continue, unless restrained, to use Plaintiffs' copyrighted photographic works, willfully infringing, and causing irreparable damage to Plaintiffs for which they have no adequate remedy of law.

41. Defendants' unlawful use of copies of Plaintiffs' original photographic works have diminished the value of the original photographic works by distributing and encouraging redistribution of the photographic works without identifying the photographic works as being the exclusive property of Plaintiffs.

42. Defendants' unlawful acts have been and are interfering with and undermining Plaintiffs' ability to market Plaintiffs' own original photographic works, thereby impairing the value and prejudicing the sale or license by Plaintiffs of their own photographic works.

43. Plaintiffs are entitled to a preliminary and permanent injunction restraining Defendants from engaging in further acts of copyright infringement and causing irreparable damage to Plaintiffs for which they have no adequate remedy of law.

44. Defendants, by their unauthorized appropriation and use of Plaintiffs' original photographic works, have been and are engaging in acts of unfair competition, unlawful appropriation, unjust enrichment, wrongful deception of the purchasing public, and unlawful trading on Plaintiffs' goodwill and the public acceptance of Plaintiffs' original photographic works.

45. Because Defendants used Plaintiffs' copyrighted photographic works without license, infringing the exclusive rights of Plaintiffs as the copyright owners, Plaintiffs are entitled to have the infringing publications and any improperly acquired likenesses or images (however stored or recorded) impounded while this action is pending.

46. As a direct and proximate result of Defendants' wrongful acts, Plaintiffs have suffered and continue to suffer lost profits and damages.

47. Plaintiffs are entitled to recover from Defendants the damages they have sustained as a result of these wrongful acts. Plaintiffs are presently unable to ascertain the full extent of the monetary damages they have suffered by reason of Defendants' acts of copyright infringement.

48. Plaintiffs are further entitled to recover from Defendants any gains, profits, or advantages Defendants obtained as a result of their wrongful acts. Plaintiffs are presently unable to ascertain the full extent of the gains, profits, and advantages Defendants have realized by their acts of copyright infringement.

49. Plaintiffs are entitled to elect to recover from Defendants statutory damages for each of their willful violations of Plaintiffs' copyrights.

50. Plaintiffs are further entitled to costs and reasonable attorneys' fees.

SECOND CAUSE OF ACTION: DIGITAL MILLENNIUM COPYRIGHT ACT VIOLATIONS

51. Plaintiffs restate and reallege each of the allegations contained in paragraphs 1-50 as if fully stated herein.

52. Defendants have intentionally removed or altered copyright management information from association with twenty-nine (29) of Plaintiff VINCENT KHOURY TYLOR's photographic works for their said uses, or distributed those photographic works at issue knowing that Plaintiff VINCENT KHOURY TYLOR's copyright management information had been removed or altered, and, in addition, associated, distributed or provided their own false copyright management information with their uses of twenty-four (24) of Plaintiff VINCENT KHOURY TYLOR's photographic works at issue, without the authority of Plaintiff VINCENT KHOURY TYLOR or the law, knowing, or having reasonable grounds to know, that the removal or alteration, distribution, or false association, distribution or provision would induce, enable, facilitate, or conceal infringement of copyright.

53. Defendants' acts constitute violations under the Digital Millennium Copyright Act, 17 U.S.C. § 1202.

54. Plaintiff VINCENT KHOURY TYLOR is entitled to a preliminary and permanent injunction to prevent Defendants from engaging in further violations of 17 U.S.C. § 1202.

55. Plaintiff VINCENT KHOURY TYLOR is entitled to recover from Defendants the actual damages suffered by him and any profits Defendants have obtained as a result of their wrongful acts that are not taken into account in computing the actual damages. Plaintiff VINCENT KHOURY TYLOR is currently unable to ascertain the full extent of the profits Defendants have realized by their violations of 17 U.S.C. § 1202.

56. Plaintiff VINCENT KHOURY TYLOR is entitled to elect to recover from Defendants statutory damages for each of their violations of 17 U.S.C. § 1202.

57. Plaintiff VINCENT KHOURY TYLOR is further entitled to costs and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff VINCENT KHOURY TYLOR and Plaintiff VINCENT SCOTT TYLOR pray:

A. That this Court enter an injunction preliminarily and permanently enjoining and restraining Defendants and their directors, officers, agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants from infringing Plaintiffs' copyrighted photographic works and from further violating 17 U.S.C. § 1202;

B. That the Court order any original infringing photographs, prints, separations, publications, copies, products, or materials bearing the images, digital data in any form and/or likenesses impounded and/or destroyed or disposed of in other reasonable fashion;

C. That Defendants be required to pay such damages as Plaintiffs have sustained and any profits Defendants have gained in consequence of Defendants' unlawful and willful acts or, in the alternative, to pay statutory damages pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 1203(c);

D. That Defendants be required to pay costs, including reasonable attorneys' fees, to Plaintiffs pursuant to 17 U.S.C. § 505 and 17 U.S.C. § 1203(b); and,

E. That Plaintiffs be granted such other and further relief as the Court may deem just and proper.

DATED: Honolulu, Hawaii, June 27, 2014.

/s/ J. Stephen Street

J. STEPHEN STREET
DANE ANDERSON
Attorneys for Plaintiffs
VINCENT KHOURY TYLOR
and VINCENT SCOTT TYLOR